

# News on the Web

U.S. Department of Justice  
United States Attorney  
District of Rhode Island



July 21, 2005

## Circuit Court affirms drug dealers' 262-month sentence

**Ulises Matos** will have to serve out his nearly 22-year prison sentence for being a career drug dealer. The First Circuit Court of Appeals has rejected his appeal of the sentence.

In December 2003, Providence Police found 56 bags of heroin, a loaded .44 caliber handgun, a .22 caliber rifle and \$73,725 at Matos' house on Minor Street. Six months later, U.S. District Court Judge Mary M. Lisi sentenced Matos to 262 months in federal prison. Because of his prior drug-trafficking convictions, Matos was considered a career offender under federal guidelines, which at the time were considered mandatory.

Matos appealed his sentence to the Circuit – at first citing a Supreme Court Case, Blakely v. Washington, which cast doubt on the federal sentencing guidelines system that had been in use since 1987. Subsequently, the Supreme Court ruled, in U.S. v. Booker, that the guidelines were not mandatory but should only be considered by judges as advisory. Based on that case, Matos suggested to the Circuit Court of Appeals that Judge Lisi would have imposed a lower sentence had she not been bound by the mandatory guidelines.

The Court found that, quite to the contrary, Judge Lisi had said that the sentence was appropriate and that an even longer sentence might have been justified. In imposing sentence,

-more-

she had noted that Matos' criminal history was 'way off the charts' and that his conduct in this case was 'particularly heinous.'"

In light of that, the Court held that Matos' claims were insufficient to "demonstrate a 'reasonable probability' that he would receive a more lenient sentence under the new advisory guideline regime."

Assistant U.S. Attorney Donald C. Lockhart represented the government in opposing Matos' appeal. Assistant U.S. Attorney Kenneth P. Madden prosecuted the case before Judge Lisi, based on an investigation by Providence Police and the Drug Enforcement Administration.

Matos forfeited his house on Minor Street to the government because he had used it to facilitate drug trafficking. Assistant U.S. Attorney Michael P. Iannotti prosecuted the forfeiture.

*The First Circuit Decision can be found at:*

<http://www.ca1.uscourts.gov/> Case No. 04-1875

-30-

Contact: 401-709-5032

[Thomas.connell@usdoj.gov](mailto:Thomas.connell@usdoj.gov)